

of strength, quality, and purity was not stated on the label. Adulteration was alleged further in that the strength of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged in that the statement on the label, "Tablet * * * Aspirin 5 grain * * * Each tablet contains: Acetylsalicylic Acid U. S. P. 5 grs.," was false and misleading since the tablets did not contain 5 grains each of acetylsalicylic acid but did contain a less amount.

On January 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30234. Misbranding of lye. U. S. v. 581 Cases of Lycons The New Flake Red Seal Lye. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44709. Sample No. 30852-D.)

The labeling of this veterinary product bore false and fraudulent curative and therapeutic claims.

On January 23, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 581 cases of lye at Denver, Colo., consigned by B. T. Babbitt, Inc.; alleging that the article had been shipped in interstate commerce on or about August 25 and December 12, 1938, from Wyandotte, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended.

Misbranding was alleged in that the following statements on the sticker attached to the can containing the article, regarding its curative and therapeutic effects, were false and fraudulent:

"Read! Hog Success Story On Other Side Now You Can Have Healthier Hogs—Bigger Market Profits. Years ago, farmers discovered that feeding hogs with Babbit brands of Lye mean lower feed bills, healthier, more valuable hogs . . . bigger profits. Today, more than ever, you'll be wise to use this tried and proved rule. The new flake Lye now packed by B. T. Babbit gives you three big advantages. 1. It neutralizes acidity in swill. This increases the digestibility of their food and hogs gain weight faster. 2. It is noted for helping keep hogs free from roundworms. Mixing this Lye regularly with the feed your hogs will not be retarded in their feeding. 3. Raisers of Babbit brand Lye-fed hogs tell us that their stock often gets top prices: 'Unusually firm carcasses . . . ham and belly make a select—strong casings . . . excellent quality and clear white fat.' In any farmer's language, these comments mean Bigger Profits! You too can get these benefits by following the simple directions on the can. Remember, one can of this new Flake Form Lye is enough to treat 200 gallons of swill. Why not start getting these worthwhile dividends today?"

On February 3, 1939, B. T. Babbitt, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30235. Adulteration and misbranding of cod-liver oil. U. S. v. 129 Bottles of Cod Liver Oil. Default decree of condemnation and destruction. (F. & D. No. 44595. Sample No. 26518-D.)

This product contained not more than one-half of the amount of vitamin D declared on the label.

On December 28, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 bottles of cod-liver oil at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about February 3, 1938, by McKesson & Robbins, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Norwegian Cod Liver Oil * * * Bedesee Pharmacal Co. Incorporated New York."

Adulteration was alleged in that the strength and purity of the article fell below the professed standard or quality under which it was sold, namely, "Each gram contains not less than * * * 150 U.S.P. X (1934) Vitamin 'D' units * * * when biologically assayed," since each gram contained less than represented, namely, not more than 75 U.S.P. units of vitamin D per gram.

Misbranding was alleged in that the statement on the label, "Each gram contains not less than * * * 150 U.S.P. X (1934) Vitamin 'D' units * * * when biologically assayed," was false and misleading.

On January 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30236. Misbranding of Elmi Electro Mineralized Water. U. S. v. 51 Bottles of Elmi Electro Mineralized Water. Default decree of condemnation and destruction. (F. & D. No. 43197. Sample No. 21473-D.)

The labeling of this product bore false and fraudulent statements and designs regarding its curative and therapeutic properties. It also was labeled to create the misleading impression that it possessed peculiar electrical properties.

On August 5, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 bottles of Elmi Electro Mineralized Water at Fisher, Ill.; alleging that the article had been shipped in interstate commerce on or about May 6, 1938, by the Electro Mineral Co. from Detroit, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article was an artificially prepared mineral water containing approximately 0.7 percent of sodium sulfate, a small proportion of alkali, and negligible amounts of other mineral substances.

Misbranding was alleged in that the statements, "Electro Mineralized Water" and "Electro Mineral Company," borne on the bottle label, were false and misleading in that they represented that the article possessed peculiar electrical properties; whereas it did not possess peculiar electrical properties. It was alleged to be misbranded further in that the statement on the label, "Best of the World's Healing Spas," was a statement regarding its curative and therapeutic effects and was false and fraudulent. It was alleged to be misbranded further in that the combination of letters "Elmi," borne on the bottle label, was a statement, design, or device regarding its curative or therapeutic effects and had acquired such a meaning by reason of statements in circulars supplied to purchasers which combination of letters taken together with the statements in the circular, were intended to mean to the purchaser that the article was a treatment for rheumatism, indigestion, boils, decaying teeth, skin eruptions, pains in the joints, diabetes, and other ailments, and that it would afford material relief from all ailments no matter how serious or how obstinate; and were false and fraudulent since the article contained no ingredients capable of producing the effects claimed.

On December 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30237. Misbranding of Diatine and Betix. U. S. v. Scheidemann Remedy Co. and Emil H. Scheidemann. Pleas of nolo contendere. Fines, \$400. Payment suspended and defendants placed on probation for 5 years. (F. & D. No. 42613. Sample Nos. 47571-C, 8357-D.)

The labeling of these products bore false and fraudulent statements and devices regarding their curative and therapeutic effectiveness.

On January 3, 1939, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scheidemann Remedy Co., a corporation, Milwaukee, Wis., and Emil H. Scheidemann, president of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about July 7, 1937, and January 6, 1938, from the State of Wisconsin into the States of Ohio and Illinois of quantities of Diatine and Betix, respectively, which were misbranded.

Analyses showed the composition of the products to be essentially the same and that they consisted of coarsely ground plant material composed mainly of juniper wood, bark, needles, and berries, and small quantities of uva-ursi and senna leaves.

The articles were alleged to be misbranded in that the package labels bore the following statements regarding their therapeutic or curative effects: "Diatine [or "Betix"] is * * * a palatable, stimulating * * * beverage that promotes elimination and assists in balancing the body chemistry"; that said statements represented that the articles were effective as treatments, remedies, or cures, for diabetes since they suggested, connoted, or represented